

7b. 2012SP-018-001

CAR WASH USA

Map 163, Part of Parcel(s) 412

Council District 32 (Jacobia Dowell)

Staff Reviewer: Jason Swaggart

A request to rezone from MUL to SP-A district for a portion of property located at Eagle View Boulevard (unnumbered), approximately 575 feet east of Bell Forge Lane (0.9 acres), to permit a carwash, requested by SEC, Inc., applicant for PNB Holding Co. 2, Inc., owner. (See also Planned Unit Development Case #2007P-005-001).

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Cancel Planned Unit Development Overlay and rezone to permit an automatic car wash

Cancel PUD

A request to cancel a portion of The Shoppes at Ridgeview Commercial Planned Unit Development Overlay District located on a portion of property at Eagle View Boulevard (unnumbered) and approved previously for approximately 6,900 square feet of retail uses, approximately 575 feet east of Bell Forge Lane, zoned Mixed Use Limited (MUL) and proposed for Specific Plan-Auto (SP-A) (0.9 acres).

Zone Change

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) district for a portion of property located at Eagle View Boulevard (unnumbered), approximately 575 feet east of Bell Forge Lane (0.9 acres), to permit a carwash.

Existing Zoning

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. *While the property is zoned MUL the PUD overlay limits development on the subject site to 6,900 square feet of retail.*

Proposed Zoning

Specific Plan-Auto (SP-A) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes automobile uses.

CRITICAL PLANNING GOALS

N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Land Use Policy

Corridor General (CG) is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

The request is not consistent with the current policy; however, the Antioch/Priest Lake Community Plan is in the midst of being updated. The current policy will be updated with the community plan. Staff plans to amend the policy to a policy that would support the request.

PUD Overlay History

The Shoppes at Ridgeview Planned Unit Development was approved by Council in 2008 for 40,411 square feet of retail. While Council approved the PUD, the Planning Commission recommended disapproval. The area that is now within the PUD was previously part of the Ridgeview Urban Design Overlay (UDO). Council

also approved the cancellation of the UDO with the approval of the PUD. The Planning Commission approved a revision of the PUD to permit a Thornton's fuel station and convenience market in 2008. The Thornton's is the only portion of the PUD that is currently developed.

PLAN DETAILS

This request is for a Specific Plan (SP) zoning district to permit an automatic car wash. The site is located along the east side of Bell Road northeast of Interstate-24 and Hickory Hollow Mall. The site is a vacant open lot with little to no trees.

Site Plan

The proposed plan calls for a 3,600 square foot automatic "tunnel" car wash. The structure is located near the northern property line directly behind the existing Thornton's market. In addition to car wash, the plan calls for five vacuum stations which are located in the parking area.

Access into the site is from a private drive which accesses Bell Road via Eagle View Boulevard. The plan also identifies a connection to the adjacent church property directly to the south. The plan calls for the extension of the sidewalk along the private drive as well as a sidewalk connection to the Thornton's site which connects to Bell Road.

The proposed building materials are to be consistent with the existing Thornton's, but not identical. The proposed freestanding sign is also being coordinated with the existing Thornton's in terms of appearance. The maximum height of the sign is seven feet. Three additional 40 square foot building signs are also proposed. Landscaping is provided throughout and meets current Metro requirements including the Tree Protection and Replacement section. Landscaping is provided along the property boundary with Bell Road. A knee wall is shown along the private drive and will be consistent with the knee wall along the Thornton's site perimeter.

ANALYSIS

There are no issues with the proposed SP. While the request requires a zone change, it is consistent with the existing Thornton's market. Current zoning requires that a stand-alone car wash be in a SP zoning district; however, a car wash would be permitted on the Thornton's site as an accessory use. Since the design of the proposed car wash is being coordinated with the existing Thornton's, it could be viewed as accessory in terms of appearance even though it is not actually associated with Thornton's. While the proposed use does not fit neatly into the land use policy, it is consistent with the uses that were permitted under the Council approved PUD. Because the proposed car wash is consistent with the uses originally approved by Council and is not out of character with the existing Thornton's, staff is recommending that the request be approved with conditions.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STAFF RECOMMENDATION

Staff recommends approval with conditions for both requests and disapproval of both requests without all staff conditions.

CONDITIONS

1. Uses are limited to car wash as defined by the Metro Zoning Code.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later

than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with Conditions (6-0-1); Consent Agenda

Resolution No. RS2012-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-018-001 is APPROVED with conditions and disapproved without all conditions. (6-0-1)"

CONDITIONS

1. **Uses are limited to car wash as defined by the Metro Zoning Code.**
2. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.**
3. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
4. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
5. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

The proposed car wash use is similar to the gas station use that was approved in this location by the PUD. Additionally, the Antioch/Priest Lake Community Plan is being updated and is expected to place a land use policy on this property that will support the requested SP.